

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Brazos, Section 7

Subfile No.: CHRB-007-0024

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ELIZABETH CHAVEZ
IDA S. MARTINEZ
JONETTA L. MARTINEZ
ROBERT MARTINEZ JR.
ROBERT A. MARTINEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

Subfile No.: CHRB-007-0024

3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.
4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered November 26, 2001.

Source of Water:

MARTINEZ DITCH: Surface water of a spring, a tributary of the Rio Chama.

OJITOS DITCH: Surface water of a spring, a tributary of the Rio Chama.

SPRING NO. 7: Surface water of a spring, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: MARTINEZ DITCH

Location X: 1,546,247 feet **Y:** 2,086,181 feet

Ditch Name: OJITOS DITCH

Location X: 1,546,572 feet **Y:** 2,087,696 feet

Ditch Name: SPRING NO. 7

Location X: 1,546,029 feet **Y:** 2,086,298 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	5.4 acres
Total	5.4 acres

As shown on the 2001 Hydrographic Survey Map CHRB- 7.

Amount of Water: Reserved for future determination by court order entered November 26, 2001.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vicente L. Gabin

SPECIAL MASTER

ACCEPTED: Jonetta L. Martinez
JONETTA L. MARTINEZ

ADDRESS: 917 Perry Blvd
Albuquerque NM 87105

DATE: 5/26/07

ACCEPTED: Elizabeth Chavez
ELIZABETH CHAVEZ

ADDRESS: 7316 Goddard Ct. NW
Albuquerque, NM 87121

DATE: 5-22-07

ACCEPTED: Robert Martinez Jr.
ROBERT MARTINEZ JR.

ADDRESS: 5 Seda Place
Los Lunas, NM
87031

DATE: 5-23-07

ACCEPTED: Ida S. Martinez
IDA S. MARTINEZ

ADDRESS: P.O. Box 12
Los Ojos,
New Mex 87551

DATE: 5-21-07

ACCEPTED: Robert A. Martinez
ROBERT A. MARTINEZ

ADDRESS: P.O. Box -12
Los Ojos
New Mexico - 87551

DATE: 5-21-07

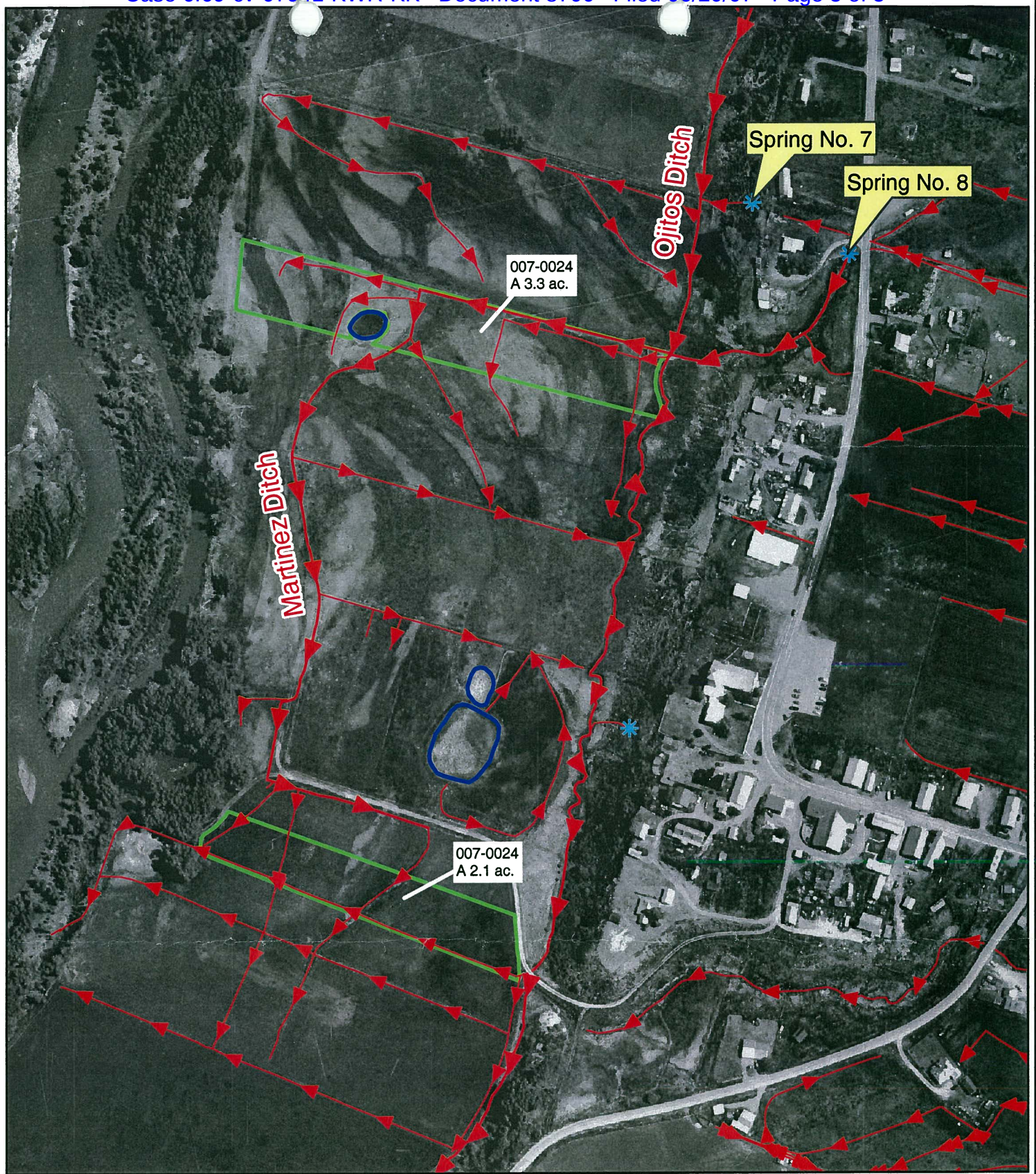
Ed Newville

EDWARD G. NEWVILLE

Special Assistant Attorney General

6-4-07

Date



LEGEND

- | | |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary | Well |
| Seeped Area | Spring |
| Operable Ditch | Fallow |
| Inoperable Ditch | No Right |
| Stock Ponds / Reservoir | |



1 inch = 300 feet
 0 50 100 200 300
 Feet

STATE OF NEW MEXICO
 Office of the State Engineer
 Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey
 Rio Brazos Section

Subfile Number
CHRB 007-0024
 Ojitos and Martinez
 Ditches and Spg. #7
 December 18, 2001

